

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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UNITED STATES OF AMERICA,

-v-

MICHAEL SHVARTSMAN, GERALD SHVARTSMAN,  
and BRUCE GARELICK,

Defendants.

23-cr-307 (LJL)

ORDER

LEWIS J. LIMAN, District Judge:

The Government has filed a letter motion to preclude Defendant Bruce Garelick from calling FBI Special Agent Christopher Youn, FBI Special Agent Marc Troiano, and CBP Task Force Officer Anthony Apath as witnesses at the February 8, 2024 evidentiary hearing. Dkt. No. 77. Defendant Garelick has submitted a response letter, explaining that he “has decided not to call CBP Officer Apath.” Dkt. No. 79 at 1. Defendant Garelick also argues that the remainder of the Government’s motion is “premature and should be dealt with at the hearing after the government’s witnesses have completed their testimony,” because “[t]he government has agreed that FBI Special Agents Youn and Troiano will be available at the hearing, and Garelick cannot determine whether he will need to call either of them until after we have heard from the government’s witnesses.” *Id.*

On the present record, Defendant Garelick has not established that the testimony of either Youn or Troiano will be relevant to the subject of the hearing. *See* Dkt. No. 73. However, after the conclusion of testimony from the Government’s witnesses, the Court will hear from

Defendant Garelick on whether, based on the testimony elicited at the hearing, there is a basis to call either Youn or Troiano and, if so, the relevance of their anticipated testimony.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

LEWIS J. LIMAN  
United States District Judge

Dated: February 6, 2024  
New York, New York